

## **REMARKS**

### **I. Introduction**

The Office Action mailed April 6, 2009, has been carefully considered. The present Amendment is intended to be a complete response thereto and to place the case in condition for allowance.

### **II. Status of the Claims**

Claims 1-10 are pending. Claims 2-10 have been amended to recite “the method” rather than “the device.” Claim 11 has been added. Support for the new claim is found in the specification in the paragraph bridging pages 2-3.

### **III. Summary of the Office Action**

In the office action, the Examiner rejected

- 1) claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by Lemelson (U.S. Patent No. 3,600,918); and
- 2) claims 1-10 under 35 U.S.C. § 103(a) as being obvious over JP 07-16645 (henceforth “Japanese reference”) in view of Lemelson.

### **IV. Argument**

Applicant respectfully traverses the rejections as follows:

#### **A. The claims are not anticipated**

Claims 1-5 stand rejected as being anticipated by Lemelson. Applicant respectfully traverses the rejection.

The present invention concerns a method of marking an extruded bar with polygonal cross section by applying a decorated film or paper on the bar by enveloping the bar under pressure and temperature to transfer by sublimation the decor or pattern from the decorated film or paper to the bar. This method is conducted by applying the decorated film or paper on the extruded bar through a matrix and die which are heated and supported by a vibrating plate.

Applicant respectfully submits that Lemelson fails to disclose every limitation of the claimed invention. First, Lemelson fails to disclose “a matrix and a die, which are heated” as recited in claim 1. In the Office Action, the Examiner cited col. 2, lines 38-49, to allege that “the substrate to be coated is heated.” Office Action at 3. Applicant respectfully notes that the passage cited by the Examiner does not mention any heating at all. Additionally, the Examiner alleges that “the substrate to be coated is heated.” *Id.* That is not recited in the present claims. In accordance to the present claims, the matrix and the die are heated, not just the substrate.

Second, Lemelson fails to disclose any sublimation. The process of Lemelson concerns the coating of a bar or an extruded product 16 with a fluid material 15, injected through one or more passageways 14 to cover the bar 16 by coextrusion through a die 12. That material can be a common “polymer thermoplastic, plastics such as polyvinyl chloride, polyethylene, polypropylene, cellulose acetate, styrene or the like. Col. 2, lines 50-52. Embossing dies 23 and 24 then operate on the coating material to remove the coating and to form an embossing pattern. There is no mention of any sublimation. Only coextrusion is disclosed to coat the bar 16 with the material 15.

**B. The claims are not obvious**

Claims 1-10 stand rejected as being obvious over the Japanese reference. Applicant respectfully traverses the rejection.

The Japanese reference discloses a coextrusion process for coating a billet with a metal so that the metal covers the entire body of the billet. That is accomplished by pushing the billet 5 into a die after passing through a container 14 containing the metal 9. There is no disclosure of embossing the metal coating. The Examiner alleges that one skilled in the art would have been motivated to use the vibrating embossing rolls 23 and 24 of Lemelson in the process of the Japanese reference. However, the Japanese reference never discloses any embossing. Thus, there is no rationale to add the vibrating embossing rolls of Lemelson in the process of the Japanese reference.

Additionally, even if one of ordinary skill in the art would combine the teachings of the Japanese reference and Lemelson, that combination would not result in a “a matrix and a die ... supported by a vibrating base plate” as recited in claim 1. In the process of Lemelson, the second material 15 and the bar 16 is first coextruded through a die 12 to produce a coated bar. The coating on the bar is then embossed by the vibrating embossing rolls 23 and 24. Thus, only the embossing rolls 23 and 24 vibrate and not the die 12. Therefore, combining the Japanese reference and Lemelson would, at best, only lead to the addition of the vibrating embossing rolls after the die of the Japanese reference. The die would not be supported on a vibrating plate, which is required by the present invention. Thus, the combination of the Japanese reference with Lemelson still would not produce a matrix and a die supported on a vibrating plate, because that is not disclosed in either of those references.

Therefore, for the reasons noted, the present invention is not obvious over the cited references. Accordingly, Applicant respectfully requests withdrawal of the rejection.

## **V. Conclusion**

Applicant has responded to the Office Action mailed April 6, 2009. All pending claims are now believed to be allowable and favorable action is respectfully requested.

In the event that there are any questions relating to this Amendment or to the application in general, it would be appreciated if the examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (124544.0101). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicant hereby petitions under 37 C.F.R. 1.136(a) for an extension of time for as many months as are required to render this submission timely.

Any fees due are authorized above.

Respectfully submitted,

Date: February 5, 2010

By: /Michael C. Greenbaum/  
Michael C. Greenbaum  
Registration No. 28,419

BLANK ROME LLP  
Watergate  
600 New Hampshire Ave., NW  
Washington, DC 20037  
Telephone: 202-772-5800  
Facsimile: 202-572-1400